

REMARKS

By this Amendment, Applicant has amended claim 1. Claims 1-14 are pending in this application and claim 1 is the only independent claim.

The Examiner rejected claims 1-10 and 12-14 under 35 U.S.C. § 102(b) as being anticipated by Klatt et al. (U.S. Patent No. 3,788,296) and rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Klatt et al.

Applicant respectfully traverses the rejection of claims 1-10 and 12-14 under 35 U.S.C. § 102(b) because Klatt et al. fails to disclose all of the elements recited in the claims. For example, Klatt et al. fails to disclose a substance delivery device configured to be retained internally "in a body cavity," as recited in independent claim 1. Klatt et al. discloses a device for the application of active substances to be born by animals "in the anterior part of the nose." Col. 1, lines 3-7. Unlike the recited substance delivery device configured to be retained internally "in a body cavity," the nasal clamps of Klatt et al., as show in Figs. I through VIII, are configured to be fixed in a ring-like form about the nasal septum of animals.

For at least these reasons, Klatt et al. fails to anticipate independent claim 1 as well as claims 2-10 and 12-14 depending therefrom.

Also, the Examiner has failed to make a *prima facie* case of obviousness regarding dependent claim 11. As explained above, Klatt et al. fails to disclose all of the elements recited in independent claim 1. Moreover, the Examiner neither cited another reference making up for the deficiencies in Klatt et al. nor provided legally sufficient motivation or suggestion to modify the device of Klatt et al. in a manner resulting in the claimed invention. Accordingly, the Examiner has failed to establish a *prima facie* case

of obviousness regarding independent claim 1 or any claims depending therefrom,
including dependent claim 11.

For at least the foregoing reasons, independent claim 1-14 are in condition for
allowance. Applicant therefore respectfully requests timely allowance of the pending
claims.

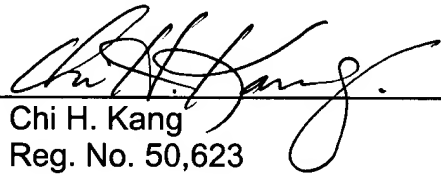
Please grant any extensions of time required to enter this response and charge
any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: July 23, 2004

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